

279.82 Intra-district enrollment.

1. A parent or guardian of a student enrolled in a school district may enroll the student in another attendance center within the same school district that offers classes at the student's grade level in the manner provided in [this section](#) if, as a result of viewing a recording created by a video surveillance system or a report from a school district employee, and consistent with the requirements of the federal Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, and any regulations promulgated pursuant to that Act, the school district determines that any student enrolled in the school district has harassed or bullied the student. For purposes of [this subsection](#), "harassment" and "bullying" mean the same as defined in [section 280.28](#).

2. a. A parent or guardian shall send notification to the school district, on forms prescribed by the department of education, that the parent or guardian intends to enroll the student in another attendance center within the same school district that offers classes at the student's grade level.

b. The school district shall enroll the student in another attendance center within the same school district unless the attendance center has insufficient classroom space for the student. If the request is granted, the school district shall transmit a copy of the form to the parent or guardian within five days after the school district's action. The parent or guardian may withdraw the request at any time prior to the school district's action on the request. A denial of a request by the school district may be appealed to the board of directors of the school district.

c. The board of directors of each school district shall adopt a policy that defines the term "insufficient classroom space" for that district.

3. A request under [this section](#) is for a period of not less than one year. A student who attends school in another attendance center pursuant to [this section](#) may return to the original attendance center and enroll at any time, once the parent or guardian has notified the school district in writing of the decision to enroll the student in the original attendance center.

4. If a request filed under [this section](#) is for a student requiring special education under [chapter 256B](#), the request to transfer to another attendance center shall only be granted if all of the following conditions are met:

a. The attendance center maintains a special education instructional program that is appropriate to meet the student's educational needs and the enrollment of the student in the attendance center would not cause the size of the class or caseload in that special education instructional program in the attendance center to exceed the maximum class size or caseload established pursuant to rules adopted by the state board of education.

b. If the student would be assigned to a general education class, there is sufficient classroom space for the general education class to which the student would be assigned.

5. If a student, for whom a request to transfer has been filed with the school district, has been suspended or expelled in the school district, the student shall not be permitted to transfer until the student has been reinstated. Once the student has been reinstated, however, the student shall be permitted to transfer in the same manner as if the student had not been suspended or expelled. If a student, for whom a request to transfer has been filed with a school district, is expelled in the school district, the student shall be permitted to transfer under [this section](#) if the student applies for and is reinstated. However, if the student applies for reinstatement but is not reinstated in the school district, the school district may deny the request to transfer. The decision of the school district may be appealed to the board of directors of the school district.

6. A student who is enrolled in another attendance center within the same school district pursuant to [this section](#) is eligible to participate immediately in varsity interscholastic athletic contests and athletic competitions as a member of a team from the receiving attendance center.

7. [This section](#) shall not be construed to prohibit a school district from allowing the parent or guardian of a student enrolled in the school district to enroll the student in another attendance center within the same school district that offers classes at the student's grade level pursuant to a policy adopted by the board of directors of the school district that allows for transfers for reasons in addition to those allowed pursuant to [this section](#).

8. The state board of education shall adopt rules pursuant to [chapter 17A](#) to administer [this section](#).

[2023 Acts, ch 91, §18, 21](#)

NEW section